

10/825,483

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

METZGER ET AL.

Examiner:

U. HO

Serial No.:

10/825,483

Group Art Unit:

3731

Filed:

April 14, 2004

Docket No.:

13033.5USC1

PATENT

Title:

STIFFENING PHARYNGEAL WALL TREATMENT

CERTIFICATE UNDER 37 CFR 1.8;

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 20, 2006.

By: MUCHINECE

DECLARATION OF TIMOTHY R. CONRAD UNDER 37 C.F.R. Sec. 1.131

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Timothy R. Conrad declares as follows:

- I am an attorney (Reg. No. 30,164) prosecuting the above-referenced patent application (the '483 application) which is a continuation application of U.S. Patent Application Ser. No. 10/237,149 filed September 6, 2002 as a continuation-in-part application of 10/066,967 filed February 4, 2002.
- 2. This declaration is submitted in response to a December 29, 2004 Patent Office in the '483 application rejecting claims based on U.S. Patent No. 6,431,174 issued August 13, 2002.
- 3. Attached as Exhibit A (eight pages) are true and correct copies of change-of-name documents changing the name of Pi Medical Inc. to Restore Medical Inc. and as recorded by the Patent Office on January 29, 2003 (Reel/Frame: 013706/0220) and pertaining to both the parent of the present application (i.e., Ser. No. 10/237,149 as listed on page 3 of the Patent Office recordation notice) and U.S. Patent No. 6,431,174 (as listed second to the bottom on page 2 of the Patent Office recordation notice).

4.	The foregoing statements are made of my own knowledge and are true. I hereby
acknowledge l	am warned that willful false statements and the like are punishable by fine or
imprisonment,	or both and may jeopardize the validity of the application or any patent issuing
thereon (35 U.	S.C. Sec. 25 and 18 U.S. C. Sec. 1001).

Dated: March 27, 2006

By: Timothy R. Conrad



JUNE 05, 2003

PTAS

MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903 Under Secretary of Commerce For Intellectual Property and Director of the United States Patent and Trademark Office Washington, DC 20231 www.uspto.gov



UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/29/2003

REEL/FRAME: 013706/0220

NUMBER OF PAGES: 5

BRIEF: MERGER AND CHANGE OF NAME

ASSIGNOR:

PI MEDICAL INC.

DOC DATE: 12/09/2002

ASSIGNEE:

RESTORE MEDICAL INC. 2800 PATTON ROAD

ST. PAUL, MINNESOTA 55113

SERIAL NUMBER: 09398991

FILING DATE: 09/17/1999 ISSUE DATE: 06/26/2001 PATENT NUMBER: 6250307

SERIAL NUMBER: 09872699 PATENT NUMBER: 6523543

FILING DATE: 06/01/2001 ISSUE DATE: 02/25/2003

SERIAL NUMBER: 09872789

PATENT NUMBER:

FILING DATE: 06/01/2001 ISSUE DATE:

SERIAL NUMBER: 09872545

FILING DATE: 06/01/2001

PATENT NUMBER:

ISSUE DATE:



013706/0220 PAGE 2

SERIAL NUMBER: PATENT NUMBER:	10036915	FILING DATE: 01/03/2002 ISSUE DATE:
SERIAL NUMBER: PATENT NUMBER:	10121166 6578580	ISSUE DATE: FILING DATE: 04/11/2002 ISSUE DATE: 06/17/2003
SERIAL NUMBER: PATENT NUMBER:	09814456	FILING DATE: 03/21/2001 ISSUE DATE: 02/11/2003
SERIAL NUMBER: PATENT NUMBER:	09814459	FILING DATE: 03/21/2001 ISSUE DATE:
SERIAL NUMBER: PATENT NUMBER:	6502574	FILING DATE: 11/14/2001 ISSUE DATE: 01/07/2003
SERIAL NUMBER: PATENT NUMBER:	09434653 6401717	FILING DATE: 11/05/1999 ISSUE DATE: 06/11/2002
SERIAL NUMBER: PATENT NUMBER:	6453905	FILING DATE: 02/25/2000 ISSUE DATE: 09/24/2002
SERIAL NUMBER: PATENT NUMBER:	6415796	
SERIAL NUMBER: PATENT NUMBER:	6450169	FILING DATE: 02/25/2000 ISSUE DATE: 09/17/2002
SERIAL NUMBER: PATENT NUMBER:	6390096	FILING DATE: 06/23/2000 ISSUE DATE: 05/21/2002
SERIAL NUMBER: PATENT NUMBER:	6513530	FILING DATE: 03/21/2001 ISSUE DATE: 02/04/2003
SERIAL NUMBER: PATENT NUMBER:	6513531	FILING DATE: 03/21/2001 ISSUE DATE: 02/04/2003
SERIAL NUMBER: PATENT NUMBER:		FILING DATE: 03/21/2001 ISSUE DATE: 02/25/2003
SERIAL NUMBER: PATENT NUMBER:		FILING DATE: 03/23/2001 ISSUE DATE: 01/14/2003 FILING DATE: 09/29/1999
SERIAL NUMBER:		ISSUE DATE: 05/23/1399 ISSUE DATE: FILING DATE: 06/30/2000
SERIAL NUMBER: PATENT NUMBER:	6439238	ISSUE DATE: 08/27/2002 FILING DATE: 08/27/2002
SERIAL NUMBER:	6431174	ISSUE DATE: 08/13/2002 FILING DATE: 07/03/2002
SERIAL NUMBER: PATENT NUMBER:		ISSUE DATE: 04/15/2003

013706/0220 PAGE 3

SERIAL NUMBER: 10066967

PATENT NUMBER:

PATENT NUMBER:

FILING DATE: 02/04/2002 ISSUE DATE:

SERIAL NUMBER: 10237149

FILING DATE: 09/06/2002

ISSUE DATE:

THERESA FREDERICK, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

01-31-2003 RECORDAT U.S. DEPARTMENT OF COMMERCE **FORM PTO-1595** MAR 3 0 2006 P (Rev. 6-93) Patent and Trademark Office OMB No. 0651-0011 (exp. 4/94 M&G-13033.000001 102353349 To the Commissioner of Patents and Trademarks: Please record the attached original 2. Name and address of receiving party(ies): 1. Name of conveying party(ies): Restore Medical, Inc. Pi Medical, Inc. 2800 Patton Road St. Paul, Minnesota 55113 Additional name(s) of conveying party(ies) attached?
Yes
No Nature of conveyance: Assignment Merger Change of Name Security Agreement Other: Execution Date: December 9, 2002 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: B. Patent No.(s) A. Patent Application No.(s) See Table A See Table A Additional numbers attached?
Yes
No 6. Total number of applications and patents involved: 24 5. Name and address of party to whom correspondence concerning document should be mailed: \$960.00 7. Total fee (37 CFR 3.41): Name: Nancy J. Parsons Enclosed Address: Merchant & Gould P.C. Authorized to be charged to deposit account P.O. Box 2903 Minneapolis, MN 55402-0903 8. Please charge any additional fees or credit any overpayments to our Deposit account number: 13-2725 PATENT TRADEMARK OFFICE DO NOT USE THIS SPACE 9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Nancy J. Parsons Name of Person Signing Total number of pages including cover sheet, attachments, and document: 5 Do not detach this portion Mail documents to be recorded with required cover sheet information to: **Box Assignments** Director - U.S. Patent and Trademark Office Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of information systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

)1/30/20**03** TDIAZ1 00000040 09398991 TABLEA

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	Current Assignee	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.		Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.	Pi Medical, Inc.		Pi Medical, Inc.		Pi Medical, Inc.		Pi Medical, Inc.		Pi Medical, Inc.	Pi Medical, Inc.		Pi Medical, Inc.	Pi Medical, Inc.		Pi Medical, Inc.			Pi Medical, Inc.	Pi Medical, Inc.	P
	Issue Date	06/26/2001									01/07/2003	06/11/2002	09/24/2002	07/09/2002	09/17/2002	05/21/2002											08/27/2002	08/13/2002							
	Patent No.	6,250,307									6,502,574	6,401,717 B1	6,453,905	6,415,796 B1	6,450,169	6,390,096 B1									•		6,439,238 B1	6,431,174 B1							
TABLEA	Title	Snoring Treatment	Permanent Snoring Implant	Expandable Snoring Implant	Stiff Snoring Implant	Braided Implant for Snoring Treatment	Needle With Pre-Loaded Implant For	Snoring Treatment	Compliant Snoring Treatment Implant	Contracting Snoring Treatment Implant	Lateral Stiffening Snoring Treatment	Snoring Treatment	Multi-Component Snoring Treatment	Placement Tool For Snoring Treatment	Braided Implant For Snoring Treatment	Needle With Pre-Loaded Implant For	Snoring Treatment	Braided Palatal Implant For Snoring	Ireaument	Proximal Placement Of Snoring	Treatment Implant	Delivery System For Snoring Treatment	Implant And Method	Snoring Treatment Implant And Method	Implantable Stimulation Device For	Snoring Treatment	Snoring Diagnostic And Treatment	Method And Apparatus To Treat	Area	Method And Apparatus To Treat	Conditions Of The Naso-Pharyngeal	Area	Pharyngeal Wall Treatment	Stiffening Pharyngeal Wall Treatment	
	Filing Date	06/1/1/60	06/01/2001	06/01/2001	06/01/2001	01/03/2002	04/11/2002		03/21/2001	03/21/2001	11/14/2001	11/05/1999	02/25/2000	02/25/2000	02/25/2000	06/23/2000		03/21/2001		03/21/2001		03/21/2001		03/21/2001	09/29/1999		06/30/2000	08/10/2000		07/03/2002			02/04/2002	09/06/2002	
	Serial No.	09/398,991	09/872,699	09/872,789	09/872,545	10/036,915	10/121,166		09/814,456	09/814,459	09/992,277	09/434,653	09/513,042	09/513,039	09/513,432	09/602,141		09/814,471		09/814,460		09/815,154		9915,166	09/409,018		09/608,651	08/929/60		10/190,183			10/066,967	10/237,149	P-Table A.doc
	Attorney Docket No.	13033.1US01	13033.1USC1	13033.1USC2	13033.1USC3	13033.1USC4	13033.1USC5		13033.1USIA	13033.1USIB	13033.1USIC	13033.1USI1	13033.1USI2	13033.1USI3	13033.1USI4	13033.1USI5		13033.1USI6		13033.1USI7		13033.1USI8		13033.1USI9	13033.2US01		13033.3US01	13033.4US01		13033.4USC1			13033.5US01	13033.5USI1	K:\CLIENTS\13\13033\P-Table A.doc

ARTICLES OF MERGER OF PI SUB, INC. WITH AND INTO PI MEDICAL, INC.

Pursuant to Section 302A.621 of the Minnesota Business Corporation Act, the Minnesota parent business corporation hereinafter named does hereby certify that:

FIRS Γ : The name of the subsidiary corporation, which is a business corporation of the State of Minnesota, is Pi Sub, Inc. ("Subsidiary").

SECOND: The name of the parent corporation, which is a business corporation of the State of Minnesota, and which is to be the surviving corporation, is Pi Medical, Inc. ("Parent").

THIRD: The number of outstanding shares of Subsidiary is 100, all of which are of one class, and all of which are owned by Parent.

FOURTH: The following is the Plan of Merger for merging Subsidiary with and into Parent as wa: approved by the Board of Directors of Parent in the manner prescribed by Section 302A.621 of the Minnesota Business Corporation Act as of December 2, 2002.

- 1. Parent, which is a business corporation of the State of Minnesota and is the owner of all of the outstanding shares of Subsidiary, which is also a business corporation of the State of Minnesota, hereby merges Subsidiary with and into Parent pursuant to the provisions of the Minnesota Business Corporation Act.
- 2. The separate existence of Subsidiary shall cease upon the effective date of the merger pursuant to the provisions of the Minnesota Business Corporation Act; and Parent shall continue its existence as the surviving corporation pursuant to the provisions of said Minnesota Business Corporation Act; provided, however, that upon the effectiveness of the merger, Article I of the Amended and Restated Articles of Incorporation of Parent shall be amended to read in its entirety as follows:

The name of the corporation is "Restore Medical, Inc."

3. The issued shares of Subsidiary shall not be converted in any manner, but each said share which is issued as of the effective date of the merger shall be surrendered and extinguished.

- 4. The issued shares of Parent shall not be converted in any manner, but each said share which is issued as of the effective date of the merger shall continue to represent one issued share of Parent.
- 5. The Board of Directors and the proper officers of Parent are hereby authorized, empowered, and directed to do any and all acts and things, and to make, execute, deliver, file, and/or record any and all instruments, papers, and documents which shall be or become necessary, proper, or convenient to carry out or put into effect any of the provisions of this Plan of Merger or of the merger herein provided for.

FIFTH: Parent will continue its existence as the surviving corporation pursuant to the provisions of the Minnesota Business Corporation Act; provided, however, that upon the effectivenes; of the Merger, Article I of the Amended and Restated Articles of Incorporation of Parent shall be amended to read in its entirety as set forth in the Plan of Merger included in Article FOL RTH above.

SIX H: The Merger shall be effective as of the date of filing of these Articles of Merger.

Dated as of this That day of December, 2002.

PI MEDICAL, INC.

Name: Susan L. Critzer

Title: President and Chief Executive Officer

STATE OF MINNESOTA DEPARTMENT OF STATE FILED

DEC 0 9 2002

Secretary of State

-: E OF MINNESOTA DEPARTMENT OF STATE

t nereby certify that this is a true and complete copy of the document as filed for record in this office.

DATED /2/9/02

Mara Killmey

Secretary of State

By Disa

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